IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.314 OF 2005
IN
SECOND APPEAL NO.45 OF 2006

.....

OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

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Mr Nilesh S. Patil for the Applicant.
Mr Anilkumar Patil for the Respondent Nos.1 and 2.

CORAM : A.S. OKA, J.
DATE : MARCH 14, 2006.

P.C.:

. Not on board. Taken on board.

1. Heard the Advocates appearing for the parties. By the impugned Judgment and Decree the Applicant-husband is directed to pay monthly maintenance of Rs.1,500/- to the Respondent No.1- wife and monthly maintenance of Rs.1,000/- to the Respondent No.2 who is the minor daughter of the Applicant.

2. The dispute involved in the Appeal is whether the marriage

between the Applicant and the Respondent No.1 is valid. However, there is a finding of fact in favour of the Respondent No.1 as regards factum of marriage. In view of this position, order directing the payment of monthly maintenance cannot be stayed.

3. The Civil Application is rejected. It is made clear that all payments made by the Applicant in pursuance of the decree will be subject to final out come of the Second Appeal.

JUDGE